



PATENT

Attorney Docket No. 3495.0004-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Luc MONTAGNIER et al.

Serial No.: 08/067,148

Filed: May 26, 1993

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Group Art Unit: 1648

Examiner: J. Parkin

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION FOR WITHDRAWAL OF RECORDED TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. § 1.182, applicants hereby respectfully petition the Assistant Commissioner to withdraw the Terminal Disclaimer for U.S. Patent No. 5,217,861, that was filed on May 4, 1994. The Terminal Disclaimer was submitted to overcome a double patenting rejection of claims 15-21 and 32-36, for the sole purpose of advancing prosecution.

Applicants submit that, since submission of the Terminal Disclaimer, the amendments of the claims in the intervening period have obviated applicants' original reasons for filing the Terminal Disclaimer.

Furthermore, in Paper No. 36, the Office rejected claims 15-20 as being unpatentable over claims 6, 10-13, and 18-22 of U.S. Patent No. 5,135,864 and claims 4, 5, 7, and 9-11 of U.S.

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Patent No. 5,217,861. Applicants submit that withdrawal of the previously-filed Terminal Disclaimer will facilitate a complete response to these rejections.

This Petition is being submitted prior to allowance of the application.

According to the fee schedule set forth in 37 C.F.R. § 1.17(h), the required fee of \$130.00 for consideration of this Petition is enclosed herewith.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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Dated: June 3, 1998